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PART III

Registration Department

NOTIFICATION

No. RR3.5884/2008.

Dated, Thiruvananthapuram, 27th February 2015.

In exercise of the powers conferred by sub-section (1) of section 69 of the Registration Act, 1908 (Central Act XVI of 1908), the Inspector General of Registration hereby makes the following rules further to amend the Registration Rules (Kerala), 1958, published under Notification dated 27th December, 1958 in the Kerala Gazette Extraordinary No. 143, dated 27th December, 1958, with the approval of the Government of Kerala, as required by sub-section (2) of the said section, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Registration (Amendment) Rules (Kerala), 2014.
(2) They shall come into force at once.
2. *Amendment of the Rules.*—In the Registration Rules (Kerala),—
(1) after Chapter XXVII, the following chapter shall be inserted, namely:—

"CHAPTER XXVII A

SECTION 83A OF THE ACT

APPLICATION AND PROCEDURE FOR CANCELLATION OF REGISTERED DOCUMENTS IN CERTAIN CASES

- 215A (i) An application under sub-section (1) of section 83A of the Act shall be made to the Inspector General of Registration in the form prescribed in Appendix XI.
- (ii) A register shall be maintained in the Office of the Inspector General of Registration in the form prescribed in Appendix XII, in which the particulars regarding the applications received under sub-section (1) of section 83A shall be entered serially year-wise.

- (iii) An application received under sub-section (1) of section 83A shall be entrusted with due acknowledgement to an officer in the Registration Department not below the rank of Deputy Inspector General of Registration for enquiry and report.
- (iv) Immediately on receipt of such an application for enquiry, the enquiry officer shall acknowledge the receipt of the same.
- (v) A register shall be maintained in the office of the enquiry officer in the form prescribed in Appendix XIII, in which the details of the applications referred for enquiry by the Inspector General of Registration shall be entered serially year-wise.
- (vi) After entering the relevant details, in respect of an application in the register, it shall be attested by the enquiry officer with date.
- (vii) The enquiry officer shall conduct a preliminary enquiry thereof.
- (viii) The enquiry officer may, for the purpose of this enquiry—
- (a) call for any information or record from any public officer or authority under the Government Public Sector Undertakings or from Local Self Government Institutions;
 - (b) examine and record statement from any member of the public or authority under the Government, Public Sector Undertakings or from a Local Self Government Institution.
- (ix) The applicant and the respondent shall be given a reasonable opportunity of being heard.
- (x) The enquiry shall be completed as far as possible within 6 months from the date of receipt of the application by the enquiry officer and the enquiry report shall be forwarded to the Inspector General of Registration in duplicate with the findings along with supporting evidence.
- (xi) On receipt of the report of the enquiry officer, the Inspector General of Registration may call for any information/record from any public officer, authority under the Government, Public Sector Undertakings or from Local Self Government Institutions regarding the case and may hear the respondent, if found necessary. After evaluating the enquiry report, the Inspector General of Registration shall issue an order on sufficient grounds, cancelling the document or rejecting the application, as the case may be.
- (xii) The order of cancellation of the document or rejection of the application shall be communicated to the applicant and the respondent by registered post with due acknowledgement and the acknowledgement received shall be duly filed.
- (xiii) The order shall be communicated immediately to the Government, the District Collector, the enquiry officer concerned, the Sub Registrar under whose jurisdiction the property is situated, the Sub Registrar who registered the document, the District Registrar concerned and the Deputy Inspector General of Registration for implementation or information.
- (xiv) On receipt of the order, the Sub Registrar shall make necessary entries in the relevant registers and records and report compliance to the Inspector General of Registration through proper channel. Necessary changes shall be made in the revenue records.
- 215B (i) A complaint under sub-section (2) of section 83A of the Act shall be submitted to the District Collector within whose jurisdiction the property is situated.
- (ii) On receipt of such a complaint or while acting *suomotu*, the District Collector shall conduct a detailed enquiry in respect of the complaint and collect such further information as may be necessary for the purpose or call for such information as he deems necessary from the parties. He may also call for any information or record from any public office or authority under the Government or Local Self Government Institution, Public Sector Undertakings for examination and recording of statements.
- (iii) The respondents shall also be given a reasonable opportunity of being heard before making a recommendation.
- (iv) The District Collector shall make a recommendation under sub-section (2) of section 83A within three months from the date of receipt of the complaint and such recommendation to cancel a document, shall be forwarded to the Inspector General of Registration immediately.
- (v) The recommendations of the District Collector shall be entered in a register kept in the office of the Inspector General of Registration in the form prescribed in Appendix XIV serially and year-wise.
- (vi) The District Collector may also follow the procedure prescribed in these rules for conducting such enquiry if found necessary.
- (vii) On receipt of a recommendation from the District Collector to cancel the registration of a document, the Inspector General of Registration shall make an order, cancelling the registration of the document or rejecting the recommendation or remitting the matter for further clarification, after recording the reasons for issuing such an order.";
- (2) after Appendix X, the following Appendices shall be inserted, namely:—

"APPENDIX XI**[Rule 215A (i) of the Registration Rules (Kerala)]****Form of application for the cancellation of documents under sub-section (1) of section 83A of the Registration Act, 1908**

1. Name of the Applicant/Applicants :
2. Full Address :
3. Name of respondents with address :
4. Reg. No., date & nature of document to be cancelled :
5. Name of the Registration Office where the document was registered :
6. Details of the property affected by the document :
 - (i) Sy. No., Sub division No., and extent in Hectare, Are, Sq. metre :
 - (ii) Name of the Village :
 - (iii) Ward/Kara etc. :
 - (iv) Name of the Municipality, Corporation, Panchayath :
 - (v) Urban/Rural :
 - (vi) Name of Registration Sub District, Taluk and District :
 - (vii) Registration office, in the jurisdiction of which, the property is situated :
7. Grounds for filing the application :
8. Details of certified copies of relevant documents and other details supporting the applicant's contentions produced along with the application :
 - 1.
 - 2.
 - 3.

Place:
Date:

Signature of the applicant

APPENDIX XII

[Rule 215A (ii) of the Registration Rules (Kerala)]

Register of applications for cancellation of Registered documents

In the Office of the Inspector General of Registration

APPENDIX XIII

[Rule 215A (v) of the Registration Rules (Kerala)]

Register of Applications Received for enquiry u/s 83 A(1)

In the Office of the Enquiry Officer

Sl. No.	File Number in the Office/ receipt of the Inspector	Date of receipt & Year of the applicant	File Number & Year of the applicant	Name of the applicant	Name of the document	No. Year of the document	Registration office under the jurisdiction of which the property situated	Registration Office in which the document is registered	Date of enquiry/hearing	Date of report to Inspector	Order of Inspector	Initial Order of Officer	Date of Disposal
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

APPENDIX XIV

[Rule 215 B (v) of the Registration Rules (Kerala)]

Register of Recommendations of District Collectors for Cancellation of Registered Documents

<i>Sl. No.</i>	<i>File Number in the office of Inspector General of Registration</i>	<i>District</i>	<i>Date of receipt</i>	<i>District Collector's File Number</i>	<i>Name of the applicant and year</i>	<i>Name of the responsible person (if any)/ suomotu</i>	<i>No./Year of document</i>	<i>Registration Office under the jurisdiction of which the document is registered</i>	<i>Registration Office in which the document is registered</i>	<i>Order date of the Inspector General of registration</i>	<i>Abstract of Order of Disposal officer</i>	<i>Initial Date of Disposal</i>	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

B. MOHANAN, IAS,
Inspector General of Registration.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Section 83A of the Registration Act, 1908 (Central Act 16 of 1908) provides for cancellation of registered documents and sub-section (1) of the said section empowers the Inspector General of Registration to prescribe the form in which an application is to be made for cancellation of a registered document. Sub-section (3) of the said section empowers the Inspector General of Registration to prescribe the procedure to be followed before the registration of a document is cancelled on the recommendation of the District Collector under sub-section (2). Therefore it has been decided to amend the Registration Rules (Kerala), 1958 to incorporate rules for the above purpose.

The notification is intended to achieve the above object.